

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 20-11732
Yolanda Warren	:	Chapter 13
	:	Judge Ashely M. Chan
Debtor(s)	:	*****
	:	
Wells Fargo Bank, N.A., d/b/a Wells	:	Date and Time of Hearing
Fargo Auto	:	Place of Hearing
	:	
Movant,	:	January 12, 2021 at 11:00 a.m.
vs	:	
	:	U.S. Bankruptcy Court
Yolanda Warren	:	900 Market Street, Courtroom #4
	:	Philadelphia, PA, 19107
	:	
William C. Miller, Esq.	:	
Respondents.		

**MOTION OF WELLS FARGO BANK, N.A., D/B/A WELLS FARGO AUTO FOR
RELIEF FROM THE AUTOMATIC STAY REGARDING THE PERSONAL
PROPERTY KNOWN AS 2014 CHEVROLET IMPALA, VIN#2G1125S35E9189348**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On February 29, 2016, Yolanda Warren (the "Debtor") obtained a loan from Wells Fargo Dealer Service in the amount of \$20,455.03 for the purchase of a 2014 Chevrolet Impala VIN#2G1125S35E9189348 ("Collateral"). Debtor agreed to make periodic payments to Wells Fargo Dealer Service. Such loan was evidenced by a Retail Installment Sale Contract Simple Finance Charge (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor delivered the Certificate of Title for a Vehicle to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about March 4, 2016, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Certificate of Title for a Vehicle along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the electronic title inquiry is attached hereto as Exhibit B (the "Title").
7. As of December 1, 2020, the total loan balance due to Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto is \$13,661.48, the full amount is due because the loan was charged off on January 14, 2020.
8. Creditor believes the value of the Collateral to be \$12,000.00 based upon the 2020 NADA Used Cars/Trucks value guide, a copy of which is attached hereto as Exhibit C.

9. On March 20, 2020, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").
10. Debtor's Chapter 13 Plan calls for the Debtor to retain the Vehicle.
11. As of December 1, 2020, there is currently due and owing on the Contract the outstanding total balance of \$13,661.48, plus interest accruing thereon at the rate of 13.990% per annum. This amount is broken down as follows:

Total Loan Balance	
Description	Amount
Principal	\$12,883.66
Interest	\$605.74
Escrow advance	\$0.00
Late charges	\$172.08
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$13,661.48	

12. As of December 1, 2020, the Debtor is due and owing for 8 months from April 14, 2020 to November 14, 2020, with total post-petition delinquency of \$3,390.72.
13. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
14. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.
 - b. Debtor has no equity in the Collateral, and the Debtor does not need the Collateral for an effective reorganization pursuant to 11 USC § 362(d)(2). Based upon the lack of equity in the Collateral, Creditor asserts that the Collateral is burdensome and/or of inconsequential value and benefit to the estate.

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic stay as it affects the interests of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto for Relief from the Automatic Stay regarding the Personal Property known as 2014 Chevrolet Impala, VIN#2G1125S35E9189348 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

William C. Miller, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105,
ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Yolanda Warren, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on
December 23____, 2020:

Yolanda Warren, 2716 Welsh Road, Philadelphia, PA 19152

DATE: ~~December 23, 2020~~_____

/s/ Karina Velter

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Attorneys for Creditor
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